



Public Notice

US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200400552
Date: May 24, 2006
Comments Due: June 26, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Eaton Road Expansion project, which would result in impacts to approximately 0.57-acres of waters of the United States, including wetlands, in or adjacent to Sycamore Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Clif Sellers, Assistant Community Development Director, City of Chico, P.O. Box 3420, Chico, California 95927

LOCATION: The project site is located in northeast Chico, north of Manzanita Avenue and immediately west of the Sycamore Creek Diversion Channel in Township 22 North, Range 1 East, MDB&M, in Butte County, California.

PROJECT DESCRIPTION: The purpose and need for the Eaton Road Extension project is to complete a planned major arterial roadway to provide east-west traffic flow in northeastern Chico, as designed in Chico General Plan.

The project includes construction of an extension of Eaton Road from Manzanita Avenue to Floral Avenue. The road extension would consist of a four-lane divided road, with a landscaped median and Class II bicycle lanes. Sound walls would be constructed along selected sections where the road alignment runs next to residential areas. The reconfiguration of the existing intersection of Manzanita Avenue and Wildwood Avenue is also proposed and will allow the intersection to tie in with the new Eaton Road.

For discussion purposes the project has been divided into three areas, as shown in Figure 2. Area 1 is located between Manzanita Avenue and the Sycamore Creek Diversion Channel. Area 2 is located between the Sycamore Creek Diversion Channel and Ceanothus Avenue. Area 3 is located between Ceanothus Avenue and Floral Avenue. The section of the Eaton Road Extension within Area 2 has already been permitted by the Corps as part of the Foothill Park residential subdivision project (DOA Permit # 199100115), and is not included in this permit application.

The project also includes reconfiguring the intersection of Manzanita Avenue and Wildwood Avenue. This would require realigning Manzanita Avenue and Wildwood Avenue intersection

approaches. The new Manzanita Avenue/Wildwood Avenue/Eaton Road intersection would be signalized and would ultimately include two left-turn lanes, a through lane, and a shared through/right-turn lane on the northbound approach and a left-turn lane, a through lane, and a shared through/right-turn lane on the southbound approach. In addition, a left-turn lane, a through lane, and two-right-turn lanes on the eastbound approach would be constructed along with a left-turn lane and a shared through/right-turn-lane on the westbound approach.

For purposes of evaluating both direct and potential indirect impacts to waters of the U.S., the study area was defined as an approximately 124-foot construction corridor, with an approximately 250-foot indirect impact area on each side of the construction corridor. A total of 2.95-acres of waters of the United States were identified in the study area. The Corps concurred with the estimate of waters in a Jurisdictional Determination dated May 2, 2006. Area 1 consists of 1.61-acres of waters of the United States and Area 3 consists of 1.32-acres of waters of the United States.

The applicant proposes to fill approximately 0.55-acres of waters of the United States, consisting of 0.51-acres of vernal pools and 0.04-acres of seasonal swales. The waters would be filled as part of mass grading for preparation of the road bed, sidewalk, and landscape areas. The attached drawings provide additional project details. Figure 1 is the vicinity map and Figure 2 shows the an overview of the entire project. Figure 3 shows the proposed Eaton Road construction corridor overlain on the wetland delineation map for Area 1. Figure 4 shows the proposed Eaton Road construction corridor overlain on the wetland delineation map for Area 3. Figure 5 shows a detailed view of the proposed Eaton Road/Manzanita Avenue intersection improvements. Figure 6 shows a typical cross section of Eaton Road.

ADDITIONAL INFORMATION:

Environmental Setting. The project area is located in the northern Sacramento Valley, at the transition between the Sacramento Valley and Cascade Range Foothill subregions of California Floristic Province. The project area is virtually flat, with elevations across the site ranging from 200 to 300 feet above sea level. the site contains both relatively undisturbed natural areas, predominantly annual grassland, and areas that have been modified by agriculture, livestock grazing, and urban development. Open agricultural lands, a public park (Bidwell Park), and residential development surround the project area. There are approximately 2.95-acres of waters of the United States within the project area. Four biological communities have been noted on site and include nonnative annual grassland, vernal pool, seasonal swale, and seasonal wetland.

Alternatives. The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

The applicant has not provided a habitat mitigation and monitoring plan, but they have presented three possible options regarding mitigation, they are as follows; 1. Purchase vernal pool preservation credits at the Dove Ranch Preservation Bank (to be determined by the Corps and U.S. Fish and Wildlife Service). The Preservation credit purchase would occur prior to initiation of work in any waters of the U.S. on the project site. 2. Preserve and construct vernal pool habitat at the proposed Bidwell Ranch conservation area located just east of the Eaton Road project site. As part of the Chico Municipal Airport project, Bidwell Ranch has been identified by the U.S. Fish and Wildlife Service as a suitable vernal pool conservation area; however, a final management plan has not been developed at this time (to be approved by the Corps and U.S. Fish and Wildlife Service). 3. Preserve and construct vernal pool habitat at an off-site mitigation area (to be approved by the Corps and U.S. Fish and Wildlife Service). The City of Chico would be responsible for developing a monitoring plan, placing the property in a conservation easement, and assuring an endowment fund would be available to protect and manage the property in perpetuity.

Final compensation requirements and mitigation ratios will be determined through Corps consultation with the U.S. Fish and Wildlife Service. The cost to purchase mitigation credits will be determined at the time of purchase. Mitigation credits will be purchased and/or conservation area and management plan will be established prior to any ground disturbing activities in the project area.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board, is required for this project. The applicant has not indicated they have applied for certification.

HISTORIC PROPERTIES: The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Preservation Act, as appropriate.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat, including the vernal pool fairy shrimp (*Branchinecta lynchi*) and the vernal pool tadpole shrimp (*Lepidurus packardii*), giant garter snake (*Thamnophis gigas*), and the Butte County meadowfoam (*Limnanthes floccose ssp. californica*). On May 4, 2006, the Corps initiated consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All

factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200400552, must be submitted to the office listed below on or before **June 10, 2006: Laura Whitney, Project Manager, US Army Corps of Engineers, Sacramento District, Sacramento Valley Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, Email: Laura.A.Whitney@usace.army.mil**

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Laura Whitney, 916-557-7455, Laura.A.Whitney@usace.army.mil.

Attachments: 6 drawings